

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Optometric Practice Act of 1987 is  
5 amended by changing Sections 15.1 and 16 as follows:

6 (225 ILCS 80/15.1)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 15.1. Diagnostic and therapeutic authority.

9 (a) For purposes of the Act, "ocular pharmaceutical agents"  
10 means topical anesthetics, topical mydriatics, topical  
11 cycloplegics, topical miotics and mydriatic reversing agents,  
12 ~~topical~~ anti-infective agents, ~~topical~~ anti-allergy agents,  
13 ~~topical~~ anti-glaucoma agents (except oral carbonic anhydrase  
14 inhibitors, which may be prescribed only in a quantity  
15 sufficient to provide treatment for up to 72 hours), ~~topical~~  
16 anti-inflammatory agents (except oral steroids), ~~topical~~  
17 ~~anesthetic agents,~~ over-the-counter agents, and non narcotic  
18 ~~oral~~ analgesic agents, ~~and mydriatic reversing agents when used~~  
19 ~~for diagnostic or therapeutic purposes.~~

20 (a-5) Ocular pharmaceutical agents administered by  
21 injection may be used only for the treatment of anaphylaxis.

22 (a-10) Oral pharmaceutical agents may be prescribed for a  
23 child under 5 years of age only in consultation with a

1 physician licensed to practice medicine in all its branches.

2 (a-15) The authority to prescribe a Schedule III, IV, or V  
3 controlled substance shall include only analgesic agents in a  
4 quantity sufficient to provide treatment for up to 72 hours.  
5 The prescription of a Schedule II controlled substance is  
6 prohibited.

7 (b) A licensed optometrist may remove superficial foreign  
8 bodies from the human eye and adnexa and may give orders for  
9 patient care to a nurse licensed to practice under Illinois  
10 law.

11 (c) An optometrist's license shall be revoked or suspended  
12 by the Department upon recommendation of the Board based upon  
13 either of the following causes:

14 (1) grave or repeated misuse of any ocular  
15 pharmaceutical agent; and

16 (2) the use of any agent or procedure in the course of  
17 optometric practice by an optometrist not properly  
18 authorized under this Act.

19 (d) The Secretary of Financial and Professional Regulation  
20 shall notify the Director of Public Health as to the categories  
21 of ocular pharmaceutical agents permitted for use by an  
22 optometrist. The Director of Public Health shall in turn notify  
23 every licensed pharmacist in the State of the categories of  
24 ocular pharmaceutical agents that can be utilized and  
25 prescribed by an optometrist.

26 (Source: P.A. 94-787, eff. 5-19-06.)

1 (225 ILCS 80/16) (from Ch. 111, par. 3916)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 16. Renewal, reinstatement or restoration of  
4 licenses; military service. The expiration date and renewal  
5 period for each license issued under this Act shall be set by  
6 rule.

7 All renewal applicants shall provide proof of having met  
8 the requirements of continuing education set forth in the rules  
9 of the Department. The Department shall, by rule, provide for  
10 an orderly process for the reinstatement of licenses which have  
11 not been renewed due to failure to meet the continuing  
12 education requirements. The continuing education requirement  
13 may be waived for such good cause, including but not limited to  
14 illness or hardship, as defined by rules of the Department.

15 The Department shall establish by rule a means for the  
16 verification of completion of the continuing education  
17 required by this Section. This verification may be accomplished  
18 through audits of records maintained by registrants; by  
19 requiring the filing of continuing education certificates with  
20 the Department; or by other means established by the  
21 Department.

22 Any licensee seeking renewal of his or her license during  
23 the renewal cycle beginning April 1, 2008 must first complete a  
24 tested educational course in the use of oral pharmaceutical  
25 agents for the management of ocular conditions, as approved by

1 the Board.

2 Any optometrist who has permitted his or her license to  
3 expire or who has had his or her license on inactive status may  
4 have his or her license restored by making application to the  
5 Department and filing proof acceptable to the Department of his  
6 or her fitness to have his or her license restored and by  
7 paying the required fees. Such proof of fitness may include  
8 evidence certifying to active lawful practice in another  
9 jurisdiction and must include proof of the completion of the  
10 continuing education requirements specified in the rules for  
11 the preceding license renewal period that has been completed  
12 during the 2 years prior to the application for license  
13 restoration.

14 The Department shall determine, by an evaluation program  
15 established by rule, his or her fitness for restoration of his  
16 or her license and shall establish procedures and requirements  
17 for such restoration.

18 However, any optometrist whose license expired while he or  
19 she was (1) in Federal Service on active duty with the Armed  
20 Forces of the United States, or the State Militia called into  
21 service or training, or (2) in training or education under the  
22 supervision of the United States preliminary to induction into  
23 the military service, may have his or her license restored  
24 without paying any lapsed renewal fees if within 2 years after  
25 honorable termination of such service, training, or education,  
26 he or she furnishes the Department with satisfactory evidence

1 to the effect that he or she has been so engaged and that his or  
2 her service, training, or education has been so terminated.

3 All licenses without "Therapeutic Certification" on March  
4 31, 2006 shall be placed on non-renewed status and may only be  
5 renewed after the licensee meets those requirements  
6 established by the Department that may not be waived.

7 (Source: P.A. 94-787, eff. 5-19-06.)

8 Section 10. The Illinois Controlled Substances Act is  
9 amended by changing Sections 102 and 103 as follows:

10 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

11 Sec. 102. Definitions. As used in this Act, unless the  
12 context otherwise requires:

13 (a) "Addict" means any person who habitually uses any drug,  
14 chemical, substance or dangerous drug other than alcohol so as  
15 to endanger the public morals, health, safety or welfare or who  
16 is so far addicted to the use of a dangerous drug or controlled  
17 substance other than alcohol as to have lost the power of self  
18 control with reference to his addiction.

19 (b) "Administer" means the direct application of a  
20 controlled substance, whether by injection, inhalation,  
21 ingestion, or any other means, to the body of a patient,  
22 research subject, or animal (as defined by the Humane  
23 Euthanasia in Animal Shelters Act) by:

24 (1) a practitioner (or, in his presence, by his

1 authorized agent),

2 (2) the patient or research subject at the lawful  
3 direction of the practitioner, or

4 (3) a euthanasia technician as defined by the Humane  
5 Euthanasia in Animal Shelters Act.

6 (c) "Agent" means an authorized person who acts on behalf  
7 of or at the direction of a manufacturer, distributor, or  
8 dispenser. It does not include a common or contract carrier,  
9 public warehouseman or employee of the carrier or warehouseman.

10 (c-1) "Anabolic Steroids" means any drug or hormonal  
11 substance, chemically and pharmacologically related to  
12 testosterone (other than estrogens, progestins, and  
13 corticosteroids) that promotes muscle growth, and includes:

14 (i) boldenone,

15 (ii) chlorotestosterone,

16 (iii) chostebol,

17 (iv) dehydrochlormethyltestosterone,

18 (v) dihydrotestosterone,

19 (vi) drostanolone,

20 (vii) ethylestrenol,

21 (viii) fluoxymesterone,

22 (ix) formebulone,

23 (x) mesterolone,

24 (xi) methandienone,

25 (xii) methandranone,

26 (xiii) methandriol,

1           (xiv) methandrostenolone,  
2           (xv) methenolone,  
3           (xvi) methyltestosterone,  
4           (xvii) mibolerone,  
5           (xviii) nandrolone,  
6           (xix) norethandrolone,  
7           (xx) oxandrolone,  
8           (xxi) oxymesterone,  
9           (xxii) oxymetholone,  
10          (xxiii) stanolone,  
11          (xxiv) stanozolol,  
12          (xxv) testolactone,  
13          (xxvi) testosterone,  
14          (xxvii) trenbolone, and  
15          (xxviii) any salt, ester, or isomer of a drug or  
16          substance described or listed in this paragraph, if  
17          that salt, ester, or isomer promotes muscle growth.

18          Any person who is otherwise lawfully in possession of an  
19          anabolic steroid, or who otherwise lawfully manufactures,  
20          distributes, dispenses, delivers, or possesses with intent to  
21          deliver an anabolic steroid, which anabolic steroid is  
22          expressly intended for and lawfully allowed to be administered  
23          through implants to livestock or other nonhuman species, and  
24          which is approved by the Secretary of Health and Human Services  
25          for such administration, and which the person intends to  
26          administer or have administered through such implants, shall

1 not be considered to be in unauthorized possession or to  
2 unlawfully manufacture, distribute, dispense, deliver, or  
3 possess with intent to deliver such anabolic steroid for  
4 purposes of this Act.

5 (d) "Administration" means the Drug Enforcement  
6 Administration, United States Department of Justice, or its  
7 successor agency.

8 (e) "Control" means to add a drug or other substance, or  
9 immediate precursor, to a Schedule under Article II of this Act  
10 whether by transfer from another Schedule or otherwise.

11 (f) "Controlled Substance" means a drug, substance, or  
12 immediate precursor in the Schedules of Article II of this Act.

13 (g) "Counterfeit substance" means a controlled substance,  
14 which, or the container or labeling of which, without  
15 authorization bears the trademark, trade name, or other  
16 identifying mark, imprint, number or device, or any likeness  
17 thereof, of a manufacturer, distributor, or dispenser other  
18 than the person who in fact manufactured, distributed, or  
19 dispensed the substance.

20 (h) "Deliver" or "delivery" means the actual, constructive  
21 or attempted transfer of possession of a controlled substance,  
22 with or without consideration, whether or not there is an  
23 agency relationship.

24 (i) "Department" means the Illinois Department of Human  
25 Services (as successor to the Department of Alcoholism and  
26 Substance Abuse) or its successor agency.

1 (j) "Department of State Police" means the Department of  
2 State Police of the State of Illinois or its successor agency.

3 (k) "Department of Corrections" means the Department of  
4 Corrections of the State of Illinois or its successor agency.

5 (l) "Department of Professional Regulation" means the  
6 Department of Professional Regulation of the State of Illinois  
7 or its successor agency.

8 (m) "Depressant" or "stimulant substance" means:

9 (1) a drug which contains any quantity of (i)  
10 barbituric acid or any of the salts of barbituric acid  
11 which has been designated as habit forming under section  
12 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
13 U.S.C. 352 (d)); or

14 (2) a drug which contains any quantity of (i)  
15 amphetamine or methamphetamine and any of their optical  
16 isomers; (ii) any salt of amphetamine or methamphetamine or  
17 any salt of an optical isomer of amphetamine; or (iii) any  
18 substance which the Department, after investigation, has  
19 found to be, and by rule designated as, habit forming  
20 because of its depressant or stimulant effect on the  
21 central nervous system; or

22 (3) lysergic acid diethylamide; or

23 (4) any drug which contains any quantity of a substance  
24 which the Department, after investigation, has found to  
25 have, and by rule designated as having, a potential for  
26 abuse because of its depressant or stimulant effect on the

1 central nervous system or its hallucinogenic effect.

2 (n) (Blank).

3 (o) "Director" means the Director of the Department of  
4 State Police or the Department of Professional Regulation or  
5 his designated agents.

6 (p) "Dispense" means to deliver a controlled substance to  
7 an ultimate user or research subject by or pursuant to the  
8 lawful order of a prescriber, including the prescribing,  
9 administering, packaging, labeling, or compounding necessary  
10 to prepare the substance for that delivery.

11 (q) "Dispenser" means a practitioner who dispenses.

12 (r) "Distribute" means to deliver, other than by  
13 administering or dispensing, a controlled substance.

14 (s) "Distributor" means a person who distributes.

15 (t) "Drug" means (1) substances recognized as drugs in the  
16 official United States Pharmacopoeia, Official Homeopathic  
17 Pharmacopoeia of the United States, or official National  
18 Formulary, or any supplement to any of them; (2) substances  
19 intended for use in diagnosis, cure, mitigation, treatment, or  
20 prevention of disease in man or animals; (3) substances (other  
21 than food) intended to affect the structure of any function of  
22 the body of man or animals and (4) substances intended for use  
23 as a component of any article specified in clause (1), (2), or  
24 (3) of this subsection. It does not include devices or their  
25 components, parts, or accessories.

26 (t-5) "Euthanasia agency" means an entity certified by the

1 Department of Professional Regulation for the purpose of animal  
2 euthanasia that holds an animal control facility license or  
3 animal shelter license under the Animal Welfare Act. A  
4 euthanasia agency is authorized to purchase, store, possess,  
5 and utilize Schedule II nonnarcotic and Schedule III  
6 nonnarcotic drugs for the sole purpose of animal euthanasia.

7 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
8 substances (nonnarcotic controlled substances) that are used  
9 by a euthanasia agency for the purpose of animal euthanasia.

10 (u) "Good faith" means the prescribing or dispensing of a  
11 controlled substance by a practitioner in the regular course of  
12 professional treatment to or for any person who is under his  
13 treatment for a pathology or condition other than that  
14 individual's physical or psychological dependence upon or  
15 addiction to a controlled substance, except as provided herein:  
16 and application of the term to a pharmacist shall mean the  
17 dispensing of a controlled substance pursuant to the  
18 prescriber's order which in the professional judgment of the  
19 pharmacist is lawful. The pharmacist shall be guided by  
20 accepted professional standards including, but not limited to  
21 the following, in making the judgment:

22 (1) lack of consistency of doctor-patient  
23 relationship,

24 (2) frequency of prescriptions for same drug by one  
25 prescriber for large numbers of patients,

26 (3) quantities beyond those normally prescribed,

- 1           (4) unusual dosages,  
2           (5) unusual geographic distances between patient,  
3           pharmacist and prescriber,  
4           (6) consistent prescribing of habit-forming drugs.

5           (u-1) "Home infusion services" means services provided by a  
6           pharmacy in compounding solutions for direct administration to  
7           a patient in a private residence, long-term care facility, or  
8           hospice setting by means of parenteral, intravenous,  
9           intramuscular, subcutaneous, or intraspinal infusion.

10          (v) "Immediate precursor" means a substance:

11           (1) which the Department has found to be and by rule  
12           designated as being a principal compound used, or produced  
13           primarily for use, in the manufacture of a controlled  
14           substance;

15           (2) which is an immediate chemical intermediary used or  
16           likely to be used in the manufacture of such controlled  
17           substance; and

18           (3) the control of which is necessary to prevent,  
19           curtail or limit the manufacture of such controlled  
20           substance.

21          (w) "Instructional activities" means the acts of teaching,  
22           educating or instructing by practitioners using controlled  
23           substances within educational facilities approved by the State  
24           Board of Education or its successor agency.

25          (x) "Local authorities" means a duly organized State,  
26           County or Municipal peace unit or police force.

1           (y) "Look-alike substance" means a substance, other than a  
2 controlled substance which (1) by overall dosage unit  
3 appearance, including shape, color, size, markings or lack  
4 thereof, taste, consistency, or any other identifying physical  
5 characteristic of the substance, would lead a reasonable person  
6 to believe that the substance is a controlled substance, or (2)  
7 is expressly or impliedly represented to be a controlled  
8 substance or is distributed under circumstances which would  
9 lead a reasonable person to believe that the substance is a  
10 controlled substance. For the purpose of determining whether  
11 the representations made or the circumstances of the  
12 distribution would lead a reasonable person to believe the  
13 substance to be a controlled substance under this clause (2) of  
14 subsection (y), the court or other authority may consider the  
15 following factors in addition to any other factor that may be  
16 relevant:

17           (a) statements made by the owner or person in control  
18 of the substance concerning its nature, use or effect;

19           (b) statements made to the buyer or recipient that the  
20 substance may be resold for profit;

21           (c) whether the substance is packaged in a manner  
22 normally used for the illegal distribution of controlled  
23 substances;

24           (d) whether the distribution or attempted distribution  
25 included an exchange of or demand for money or other  
26 property as consideration, and whether the amount of the

1 consideration was substantially greater than the  
2 reasonable retail market value of the substance.

3 Clause (1) of this subsection (y) shall not apply to a  
4 noncontrolled substance in its finished dosage form that was  
5 initially introduced into commerce prior to the initial  
6 introduction into commerce of a controlled substance in its  
7 finished dosage form which it may substantially resemble.

8 Nothing in this subsection (y) prohibits the dispensing or  
9 distributing of noncontrolled substances by persons authorized  
10 to dispense and distribute controlled substances under this  
11 Act, provided that such action would be deemed to be carried  
12 out in good faith under subsection (u) if the substances  
13 involved were controlled substances.

14 Nothing in this subsection (y) or in this Act prohibits the  
15 manufacture, preparation, propagation, compounding,  
16 processing, packaging, advertising or distribution of a drug or  
17 drugs by any person registered pursuant to Section 510 of the  
18 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

19 (y-1) "Mail-order pharmacy" means a pharmacy that is  
20 located in a state of the United States, other than Illinois,  
21 that delivers, dispenses or distributes, through the United  
22 States Postal Service or other common carrier, to Illinois  
23 residents, any substance which requires a prescription.

24 (z) "Manufacture" means the production, preparation,  
25 propagation, compounding, conversion or processing of a  
26 controlled substance other than methamphetamine, either

1 directly or indirectly, by extraction from substances of  
2 natural origin, or independently by means of chemical  
3 synthesis, or by a combination of extraction and chemical  
4 synthesis, and includes any packaging or repackaging of the  
5 substance or labeling of its container, except that this term  
6 does not include:

7 (1) by an ultimate user, the preparation or compounding  
8 of a controlled substance for his own use; or

9 (2) by a practitioner, or his authorized agent under  
10 his supervision, the preparation, compounding, packaging,  
11 or labeling of a controlled substance:

12 (a) as an incident to his administering or  
13 dispensing of a controlled substance in the course of  
14 his professional practice; or

15 (b) as an incident to lawful research, teaching or  
16 chemical analysis and not for sale.

17 (z-1) (Blank).

18 (aa) "Narcotic drug" means any of the following, whether  
19 produced directly or indirectly by extraction from substances  
20 of natural origin, or independently by means of chemical  
21 synthesis, or by a combination of extraction and chemical  
22 synthesis:

23 (1) opium and opiate, and any salt, compound,  
24 derivative, or preparation of opium or opiate;

25 (2) any salt, compound, isomer, derivative, or  
26 preparation thereof which is chemically equivalent or

1 identical with any of the substances referred to in clause  
2 (1), but not including the isoquinoline alkaloids of opium;  
3 (3) opium poppy and poppy straw;  
4 (4) coca leaves and any salts, compound, isomer, salt  
5 of an isomer, derivative, or preparation of coca leaves  
6 including cocaine or ecgonine, and any salt, compound,  
7 isomer, derivative, or preparation thereof which is  
8 chemically equivalent or identical with any of these  
9 substances, but not including decocainized coca leaves or  
10 extractions of coca leaves which do not contain cocaine or  
11 ecgonine (for the purpose of this paragraph, the term  
12 "isomer" includes optical, positional and geometric  
13 isomers).

14 (bb) "Nurse" means a registered nurse licensed under the  
15 Nursing and Advanced Practice Nursing Act.

16 (cc) (Blank).

17 (dd) "Opiate" means any substance having an addiction  
18 forming or addiction sustaining liability similar to morphine  
19 or being capable of conversion into a drug having addiction  
20 forming or addiction sustaining liability.

21 (ee) "Opium poppy" means the plant of the species *Papaver*  
22 *somniferum* L., except its seeds.

23 (ff) "Parole and Pardon Board" means the Parole and Pardon  
24 Board of the State of Illinois or its successor agency.

25 (gg) "Person" means any individual, corporation,  
26 mail-order pharmacy, government or governmental subdivision or

1 agency, business trust, estate, trust, partnership or  
2 association, or any other entity.

3 (hh) "Pharmacist" means any person who holds a certificate  
4 of registration as a registered pharmacist, a local registered  
5 pharmacist or a registered assistant pharmacist under the  
6 Pharmacy Practice Act of 1987.

7 (ii) "Pharmacy" means any store, ship or other place in  
8 which pharmacy is authorized to be practiced under the Pharmacy  
9 Practice Act of 1987.

10 (jj) "Poppy straw" means all parts, except the seeds, of  
11 the opium poppy, after mowing.

12 (kk) "Practitioner" means a physician licensed to practice  
13 medicine in all its branches, dentist, optometrist,  
14 podiatrist, veterinarian, scientific investigator, pharmacist,  
15 physician assistant, advanced practice nurse, licensed  
16 practical nurse, registered nurse, hospital, laboratory, or  
17 pharmacy, or other person licensed, registered, or otherwise  
18 lawfully permitted by the United States or this State to  
19 distribute, dispense, conduct research with respect to,  
20 administer or use in teaching or chemical analysis, a  
21 controlled substance in the course of professional practice or  
22 research.

23 (ll) "Pre-printed prescription" means a written  
24 prescription upon which the designated drug has been indicated  
25 prior to the time of issuance.

26 (mm) "Prescriber" means a physician licensed to practice

1 medicine in all its branches, dentist, optometrist, podiatrist  
2 or veterinarian who issues a prescription, a physician  
3 assistant who issues a prescription for a Schedule III, IV, or  
4 V controlled substance in accordance with Section 303.05 and  
5 the written guidelines required under Section 7.5 of the  
6 Physician Assistant Practice Act of 1987, or an advanced  
7 practice nurse with prescriptive authority in accordance with  
8 Section 303.05 and a written collaborative agreement under  
9 Sections 15-15 and 15-20 of the Nursing and Advanced Practice  
10 Nursing Act.

11 (nn) "Prescription" means a lawful written, facsimile, or  
12 verbal order of a physician licensed to practice medicine in  
13 all its branches, dentist, podiatrist or veterinarian for any  
14 controlled substance, of an optometrist for a Schedule III, IV,  
15 or V controlled substance in accordance with Section 15.1 of  
16 the Illinois Optometric Practice Act of 1987, of a physician  
17 assistant for a Schedule III, IV, or V controlled substance in  
18 accordance with Section 303.05 and the written guidelines  
19 required under Section 7.5 of the Physician Assistant Practice  
20 Act of 1987, or of an advanced practice nurse who issues a  
21 prescription for a Schedule III, IV, or V controlled substance  
22 in accordance with Section 303.05 and a written collaborative  
23 agreement under Sections 15-15 and 15-20 of the Nursing and  
24 Advanced Practice Nursing Act.

25 (oo) "Production" or "produce" means manufacture,  
26 planting, cultivating, growing, or harvesting of a controlled

1 substance other than methamphetamine.

2 (pp) "Registrant" means every person who is required to  
3 register under Section 302 of this Act.

4 (qq) "Registry number" means the number assigned to each  
5 person authorized to handle controlled substances under the  
6 laws of the United States and of this State.

7 (rr) "State" includes the State of Illinois and any state,  
8 district, commonwealth, territory, insular possession thereof,  
9 and any area subject to the legal authority of the United  
10 States of America.

11 (ss) "Ultimate user" means a person who lawfully possesses  
12 a controlled substance for his own use or for the use of a  
13 member of his household or for administering to an animal owned  
14 by him or by a member of his household.

15 (Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03;  
16 94-556, eff. 9-11-05.)

17 (720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)

18 Sec. 103. Scope of Act. Nothing in this Act limits the  
19 lawful authority granted by the Medical Practice Act of 1987,  
20 the Nursing and Advanced Practice Nursing Act, the Illinois  
21 Optometric Practice Act of 1987, or the Pharmacy Practice Act  
22 of 1987.

23 (Source: P.A. 90-742, eff. 8-13-98.)